

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) **Case No. 24-03029-01-CR-S-MDH**
)
BRYON GREGORY PETTIJOHN,)
)
Defendant.)

ORDER

Before the Court is the Government's Motion to Dismiss Without Prejudice (Doc. 27). Defendant has responded to the Government's motion stating he has no objection. (Doc. 28). The Government may, with leave of court, dismiss an indictment. Fed. R. Crim. P. 48(a). Courts can exercise their discretion to withhold leave only in "the rarest of cases". *United States v. Bernard*, 42 F.4th 905, 909 (8th Cir. 2022). Cases where there has been "prosecutorial harassment" or dismissal is "clearly contrary to manifest public interest" have warranted a court's withholding of leave. *Id.* Neither are present here. Therefore, consistent with Fed. R. Crim. P. 48(a) and *United States v. Bernard*, 42 F.4th 905 (8th Cir. 2022) the Court hereby **SUSTAINS** the Government's motion to dismiss the indictment without prejudice.

IT IS SO ORDERED.

DATED: November 26, 2024

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE